

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Case No. S-2700

PETITION OF HANNAH DiBONGE, d/b/a GERMANTOWN PHARMACY

OPINION OF THE BOARD

(Opinion Adopted October 3, 2007)

(Effective Date of Opinion: October 25, 2007)

Case No. S-2700 is an application for a special exception, pursuant to Section 59-G-2.46 of the Zoning Ordinance, to permit a retail and service establishment (a drug store) in the Shady Grove Adventist Medical Center. The Hearing Examiner for Montgomery County held a hearing on the application on July 27, 2007, closed the record in the case on August 3, 2007, and on August 28, 2007, issued a Report and Recommendation for approval of the special exception.

The subject property is Lot N-571, North Germantown Land Condominium Subdivision, located at 19735 Germantown Road, Suite 175, Germantown, Maryland, 20874, in the C-T Zone.

Decision of the Board: Special Exception **Granted**, Subject
To the Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on October 3, 2007. After careful consideration, and review of the record in the case, on a motion by Donna L. Barron, Vice-Chair, seconded by Wendell M. Holloway, with Caryn L. Hines, Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner shall be bound by all of her testimony and exhibits of record, and by the testimony of her witness and representations of counsel identified in the Hearing Examiner's Report and Recommendation and in the Board's Opinion.
2. Petitioner's pharmacy floor space is limited to a maximum of 1400 square feet.

3. Petitioner's store hours are limited to 8:30 a.m. to 7 p.m., Monday through Friday, and 8:30 a.m. to 2 p.m. on Saturday; however employees may arrive at 8:00 a.m. each day.
4. Petitioner may employ up to 17 employees, but may not have more than five employees operating in the pharmacy at one time.
5. Any external signage identifying the special exception will be limited to previously approved sign facilities for the building.
6. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 25th day of October, 2007.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.